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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,971	12/21/2001	Paul Phillip Van Saarloos	8257.17USWO	3587
20999	7590	12/15/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			CONNOLLY, PATRICK J	
			ART UNIT	PAPER NUMBER
			2877	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. UK	Applicant(s)	
	09/831,971	VAN SAARLOOS ET AL.	
	Examiner	Art Unit	
	Patrick J. Connolly	2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-32 is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>21 December 2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

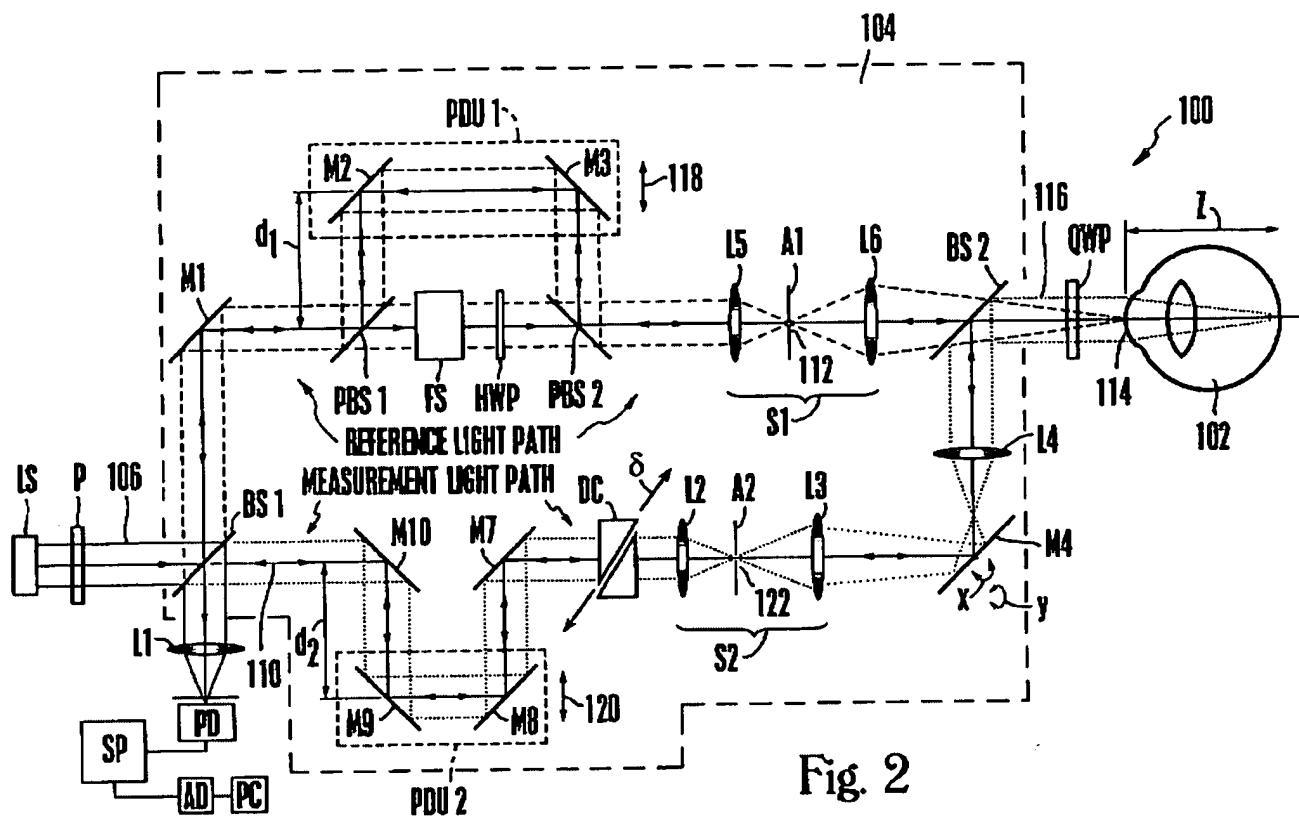
A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-29 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No 6,137,585 to Hitzenberger et al (hereafter Hitzenberger).

As to claims 1 and 17, Hitzenberger discloses a method and apparatus for recording three-dimensional distribution of light backscattering potential in transparent and semi-transparent structures including (see Figure 2 below):



first beam modifying means for modifying an incident beam of short coherence length light to form a modified beam of first and second components having a mutual path difference and being capable of producing a detectable interference;

beamsplitting means for splitting said modified beam into first and second beams;

second beam modifying means for modifying the properties of at least one of said first and second beams;

recombining means for thereafter recombining said first and second beams;

means for directing said recombined first and second beams towards said surface and scanning them across the surface; and

means for monitoring the first and second beams after reflection and detecting interference of the reflected first and second beams.

As to claims 2 and 18, Hitzenberger discloses scanning means for varying nodal points in the interference pattern (118, 120).

As to claims 3 and 19, Hitzenberger discloses focusing the beams on a position in front of a position in front of the surface for reflection (see Figure above).

As to claims 4, 5, 20 and 21, Hitzenberger discloses collimation, focusing and scanning in two dimensions (see M4 and L4 above).

As to claim 6, Hitzenberger discloses one source of short coherent length light (LS).

As to claims 7 and 22, Hitzenberger discloses modulating phase difference (see top of column 3).

As to claims 8 and 23, Hitzenberger discloses polarizing means (see HWP, QWP, PBS1 and PBS2 above).

As to claim 9, Hitzenberger discloses interferometric means including adjustable mirror means (see reference light path above).

As to claims 10 and 24, Hitzenberger discloses the beams returning along the incident paths (see Figure above).

As to claim 11, Hitzenberger discloses focusing means in both arms (see lenses Lx, above).

As to claims 12 and 25, Hitzenberger discloses varying the positions of measurement and measuring consecutive images (see column 11).

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As to claims 13-16 and 26-29, Hitzenberger discloses measuring the fundus, cornea and obtaining three-dimensional data via laser ophthalmoscopy.

Allowable Subject Matter

Claims 30-32 allowed.

The following is an examiner's statement of reasons for allowance:

As to claims 30-32, the prior art of record, taken alone or in combination, fails to disclose or render obvious a method or apparatus including: means for directing sub-components through a beam steerer to provide a triangulation base by impinging said sub-components from two different positions, in combination with the rest of the limitations of claims 30-32.

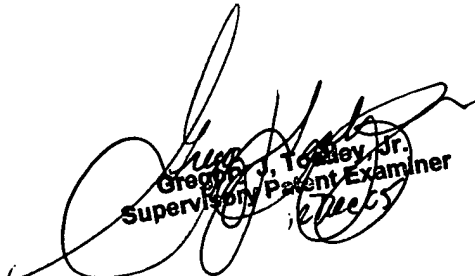
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J. Connolly whose telephone number is 571.272.2412. The examiner can normally be reached on 9:00 am - 7:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on 571.272.2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

pjc/pjl
12.02.2005


Gregory J. Toatley, Jr.
Supervisory Patent Examiner